IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY PETITION NO.400 OF 2006

Sundram Fastners Ltd., ..Petitioners

Versus

Oxides and Specialities Ltd., ..Respondents

Mr.Sandeep Bhimekar i/by Wadia Gandhi & Co. for the petitioners.

None for respondents.

Coram : R.S.Mohite,J

Date : 8.12.2006.

PC

1. This is a petition for winding up of the respondent-company. The claim of the petitioners is for Rs.47,63,665/-. The claim is based on goods sold and delivered as also interest at the rate of 18% per annum. I have seen the invoices and the purchase orders. The receipt of the goods is admitted and time has been asked for making payments by the respondent-company vide its letter at Exhibit-D. There is no reply to the statutory notice. Affidavit of service is filed. In the circumstances, prima facie case is made out for admission. It is therefore, directed that the respondent-company to deposit amount of Rs.47,63,665/- within a period of 12 weeks, failing which the petition to stand admitted and will be advertised in Free Press Journal, Navshakti as well

as in the official gazattee. If the petition is required to be admitted then the petitioners will deposit Rs.5000/- towards the publication cost. If the amount is paid as aforesaid the petitioners will be at liberty to withdraw the same without furnishing any security and upon the payment being made, the petition to stand dismissed. Petitioners will be at liberty to file a suit for recovery of interest if any due.

(R.S.Mohite,J)